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PATENT  
Attorney Docket No. 5451.23

## DECLARATION FOR PATENT APPLICATION

## DECLARATION

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled FREE WHEEL CLUTCH MECHANISM FOR BICYCLE DRIVE TRAIN, which may be identified as Serial No. 09/803,630, filed March 9, 2001.

The persons named as inventors in this application are: Patrick WARNER, Michael H. HARDING, Mu-Chuan WU, and Andy BAKER.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, as attached.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on the basis of which priority is claimed:

- ☒ no such applications have been filed.  
☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 U.S.C. § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under 35 U.S.C. 120/365 of any United States or PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
09/379,560	23 August 1999	Pending
08/919,695	28 August 1997	Patented (U.S. Patent 5,961,424)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Patrick WARNER
Inventor's Signature:	<i>Patrick Warner</i>
Date: 9/17/01	
Residence: (City, State and/or Country)	Boulder, Colorado
Citizenship:	U.S.A.
Post Address Office:	4196 Greenbriar Boulevard Boulder, Colorado 80301

Inventor's Full Name:	Michael H. HARDING
Inventor's Signature:	<i>Michael Harding</i>
Date: 8-27-01	
Residence: (City, State and/or Country)	Boulder, Colorado
Citizenship:	U.S.A.
Post Address Office:	3380 Sentinel Drive Boulder, Colorado 80301

Inventor's Full Name:	Mu-Chuan WU
Inventor's Signature:	<i>Mu-Chuan Wu</i>
Date: 10/28/01	
Residence: (City, State and/or Country)	Tainan City, Taiwan
Citizenship:	Taiwan
Post Address Office:	23 Hia-Huan Street Tainan City, Taiwan

Inventor's Full Name:	Andy Baker
Inventor's Signature:	<i>Andy Baker</i>
Date: 8/27/01	
Residence: (City, State and/or Country)	Longmont, Colorado
Citizenship:	U.S.A.
Post Address Office:	1817 Corey Street Longmont, Colorado 80501

**§ 1.56 duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Each other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.



#3

PATENT  
Attorney Docket No. 5451.23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Patrick WARNER, et al.

Serial No. 09/803,630

Filed: March 9, 2001

For: FREE WHEEL CLUTCH MECHANISM FOR  
BICYCLE DRIVE TRAIN

Examiner:

Art Unit: 3764

**POWER OF ATTORNEY BY ASSIGNEE**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

As an officer of Schwinn Cycling & Fitness Inc. ("assignee"), I hereby certify that to the best of assignee's knowledge and belief it is the assignee of the entire right, title and interest in and to the above-referenced patent application, and represent that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment document that evidences the placement of title in the assignee, a true and accurate copy which is attached hereto, and understands and believes that this assignment document will be or has been submitted for recordation in the U.S. Patent and Trademark Office.

Assignee hereby appoints on its behalf the following patent attorneys to prosecute the patent application identified above and to transact all business in the Patent Office connected therewith:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventors.

Send all correspondence relating to this matter to:

**Lee R. Osman, Esq.**  
DORSEY & WHITNEY LLP  
USPTO Customer No. 20686  
370 17th Street, Suite 4700  
Denver, Colorado 80202-5647

Direct all telephone calls to Lee R. Osman at 303-629-3434.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 11<sup>th</sup> day of October, 2001.

ASSIGNEE:

SCHWINN CYCLING & FITNESS INC.

By Joseph J. Gagliardi

Name: JOSEPH J. GAGLIARDI

Title: Chief Financial Officer

Address: 1690 38<sup>th</sup> Street

Boulder, Colorado 80301-2602

## ASSIGNMENT

WHEREAS, we, Patrick WARNER, Michael H. HARDING, Mu-Chuan WU, and Andy BAKER, whose post office addresses are shown below, have made a certain new and useful invention relating to a Free Wheel Clutch Mechanism for Bicycle Drive Train, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 09/803,630 filed on March 9, 2001, for FREE WHEEL CLUTCH MECHANISM FOR BICYCLE DRIVE TRAIN; and

WHEREAS, we now own the entire right, title and interest therein; and


WHEREAS, Schwinn Cycling & Fitness Inc., a Delaware corporation, whose post office address is 1690 38<sup>th</sup> Street, Boulder, Colorado 80301-2602, is desirous of acquiring the entire interest in and to said invention, said application or any continuation, continuation-in-part, divisional, renewal, or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both domestic and foreign, or any reissue or reexamination thereof, to be obtained therefor:

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto the said Schwinn Cycling & Fitness Inc., and said assignee's legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application or any continuation, continuation-in-part, divisional, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or reexamination thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part,

divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

9/17, 2001   
Patrick WARNER  
4196 Greenbriar Boulevard  
Boulder, CO 80301

STATE OF COLORADO )  
COUNTY OF Boulder ) ss.

On this 17<sup>th</sup> day of SEPTEMBER, 2001, before me a notary public in and for said county, appeared Patrick WARNER who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

  
Notary Public

My commission expires: My Commission Expires 10/13/2002.

8-27-, 2001

Michael H Harding  
Michael H. HARDING  
3380 Sentinel  
Boulder, Colorado 80301

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Boulder )

On this 27<sup>th</sup> day of AUGUST, 2001, before me a notary public in and for said county, appeared Michael H. HARDING who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(SEAL)

Joyce Nelson  
Notary Public

My commission expires: My Commission Expires 10/13/2002.

10/08, 2001

Mu-Chuan WU  
Mu-Chuan WU  
23 Hia-Huan Street  
Tianan City, TAIWAN

ATTEST:

Eton Chen  
Witness  
Name: Eton Chen



8/27, 2001

Andy Baker  
Andy BAKER  
1817 Corey Street  
Longmont, Colorado 80501

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF Boulder )

On this 27<sup>th</sup> day of AUGUST, 2001, before me a notary public in and for said county, appeared Andy BAKER who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(SEAL)

George Nelson  
Notary Public

My commission expires: ~~My Commission Expires 10/13/2002~~